

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEMARCUS WILSON,

§

Petitioner,

§

v.

§ Civil Action No. **3:09-CV-0396-L**

§

**NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

§

Respondent.

§

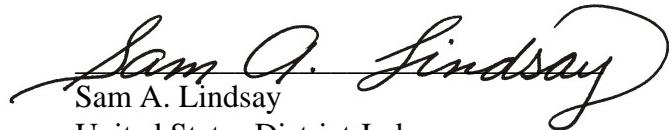
ORDER

Before the court is Wilson's Petition for Writ of Habeas Corpus, filed March 3, 2009.

Pursuant to Special Order 3-251, the petition was referred to United States Magistrate Judge Jeff Kaplan, and on June 11, 2009, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. The magistrate judge found that the petition was barred by the one-year statute of limitations of the Antiterrorism and Effective Death Penalty Act of 1996 and that Petitioner was not entitled to equitable tolling because he offered no justification for the delay. Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **dismisses with prejudice** the petition for writ of habeas corpus, as it is barred by the one-year limitations period.

It is so ordered this 26th day of June, 2009.



Sam A. Lindsay
United States District Judge